

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN WINCH,

Plaintiff,

COMPLAINT

Civil Action No.:

-against-

KENNETH WINCH,

Defendant,

Jury trial requested

JOHN WINCH, by and through his attorneys, VENTURA LAW, respectfully alleges upon information and belief as follows:

JURISDICTION AND VENUE

1. Plaintiff, **JOHN WINCH**, is domiciled in and is a citizen of the state of Connecticut, residing at 20 Yale Drive, New Fairfield, Connecticut.
2. Defendant, **KENNETH WINCH**, is domiciled in and is a citizen of the state of New York, residing at 26 Fairville Road, Patterson, New York 12563.
3. The plaintiff, **JOHN WINCH**, has been damaged in a sum in excess of seventy-five thousand dollars (\$75,000.00).
4. Jurisdiction exists against defendants pursuant to 28 U.S.C §1332.

5. Venue is proper pursuant to 28 U.S.C. §1331 in that it is founded on complete diversity of citizenship and the matter is being filed in the district where the defendant resides.

6. This case should be designated for assignment to White Plains in that defendant resides in Putnam County.

AS AND FOR THE FIRST CAUSE OF ACTION

7. On December 2, 2017, at approximately 9:34 pm, the defendant, **KENNETH WINCH**, was a guest of his his brother, the plaintiff **JOHN WINCH**, at his home at 20 Yale Drive, New Fairfield, Connecticut, when guest Vincentella Algiere began to argue with other guests and she and the defendant, **KENNETH WINCH**, were asked to leave.

8. At the same time and place, the defendant, **KENNETH WINCH**, and Vincentella Algiere exited the front door.

9. At the same time and place, the defendant, **KENNETH WINCH**, re-entered the home and knocked the plaintiff, **JOHN WINCH**, off-balance, causing the plaintiff, **JOHN WINCH**, to violently fall over the couch.

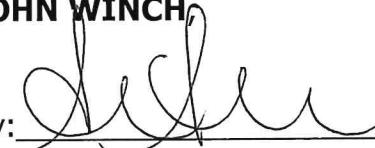
10. The defendant, **KENNETH WINCH**, was negligent in that he consumed alcohol in such quantity as to cause him to lose control of his actions and his body, thereby resulting in harm to the plaintiff, **JOHN WINCH**.

11. The aforesaid injuries sustained by the plaintiff, **JOHN WINCH**, were caused by the negligence of the defendant, **KENNETH WINCH**, without any fault or negligence on the part of the plaintiff contributing thereto.

12. As a result of the foregoing, the plaintiff, **JOHN WINCH**, was caused to and did sustain severe and serious, lasting, and permanent personal injuries to his person as well as severe shock to his nervous system and was required to seek and obtain medical care and attention in an effort to cure and/or alleviate the same and, upon information and belief, will be compelled to continue to do so in the future, to his financial detriment.

WHEREFORE, plaintiff respectfully demands judgment against the defendant in excess of seventy-five thousand dollars (\$75,000.00), together with the costs and disbursements of this action, and such other and further relief as this Court deems just and proper.

DATED: Danbury, Connecticut
 October 22, 2019

The Plaintiff,
JOHN WINCH,

By: _____
Sabrina A. Victor, Esq. (SV9829)
Ventura Law
235 Main Street
Danbury, Connecticut 06810
(203) 800-8000

TO: **KENNETH WINCH**
26 Fairville Road
Patterson, NY 12563